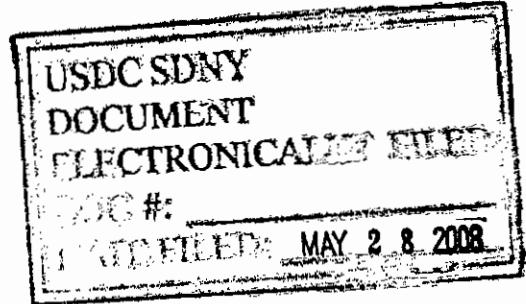


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May 27, 2008

VIA FACSIMILE (212) 805-0426

MEMO ENDORSED

Hon. Laura T. Swain
United States District Judge
Daniel Patrick Moynihan
United States Courthouse

Re: *Aedes De Venustas, Inc. v. Venustas International, LLC*
S.D.N.Y. Case No. 07 cv 4530 (LTS) (THK)

Your Honor:

I represent the plaintiff in the above action and write to bring to the Court's attention a matter concerning the motion for partial summary judgment that was re-filed by the defendant.

In its May 7, 2008 Memorandum Endorsement granting defendant's request that it be permitted to withdraw the prior motion for summary judgment and re-file a revised motion, the Court specifically stated, "The foregoing requests are granted, subject to compliance with Individual Practices Rule 2B." (emphasis added)

Unfortunately, the defendant did not comply with that rule when filing its revised motion. No attempt was made to resolve informally the issues presented in the motion, no correspondence was received from the defendant, no telephonic discussion was held and the defendant's papers do not include the required certification "that the movant ... has used its best efforts to resolve informally the matters raised in its submission."

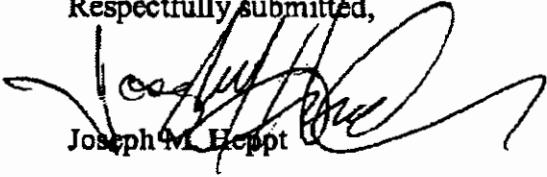
In light of the above, I respectfully ask that the Court terminate the pending motion without prejudice to reinstatement upon application on notice. I also ask that the Court order that no response to the motion be required unless a reinstatement application is granted, in which case plaintiff's time to respond shall be calculated from the date of

Hon. Laura T. Swain

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service of the order of reinstatement and in accordance with Local Civil Rule 6.1. *See Pfeffer v. Empire Stat, Inc.*, Not Reported in F.Supp.2d, 2003 WL 2004455 (S.D.N.Y.)
Thank you for your attention to this matter.

Respectfully submitted,

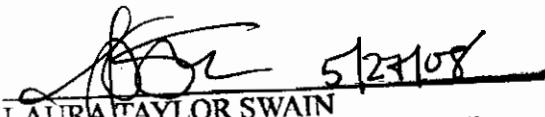

Joseph M. Heppert

JMH/wrk

cc: David R. Francescani (via facsimile: 212-258-2291)
Kristen McCallion (via facsimile: 212-258-2291)

In light of defendant's May 27, 2008
letter and amended notice of motion,
the foregoing request to terminate
defendant's motion is denied.

SO ORDERED.


5/27/08
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE